

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

FMC TECHNOLOGIES, INC., and FMC
FOODTECH, INC., successors-in-interest to
DESIGN SYSTEMS, INC. and STEIN, INC.,
d/b/a STEIN-DSI,

Plaintiffs,

v.

JAMES EDWARDS and PROCESSING
EQUIPMENT SOLUTIONS, INC.,

Defendants.

CASE NO. C05-0946C

ORDER

This matter has come before the Court on Plaintiffs' motion (Dkt. No. 20) to dismiss as moot Defendants' motion to dismiss (Dkt. No. 14) and the accompanying motion to take judicial notice (Dkt. No. 12). Plaintiffs argue that Defendants' motion to dismiss the complaint has been mooted by Plaintiffs' filing of a substantially amended complaint. The Court agrees. In addition, the Court notes that Defendants did not file a response to Plaintiffs' motion. Under Local Rule CR 7(b)(2), the Court may construe Defendants' silence as an admission that Plaintiffs' motion has merit. For these reasons, Plaintiffs' motion is GRANTED. Defendants' motion to dismiss (Dkt. No. 14) is hereby STRICKEN as moot, as is the accompanying motion to take judicial notice (Dkt. No. 12).

1 Defendants' responsive pleading shall be due within twenty days (20) of the date of entry of this
2 order.

3 SO ORDERED this 21st day of September, 2005.

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7 UNITED STATES DISTRICT JUDGE
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